

REMARKS

This Amendment is being filed in response to the Final Office Action mailed October 9, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present, claims 1, 3-4, 6-8 and 10-12 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1, 3-4, 6-8 and 10-12 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 13 is rejected 35 U.S.C. §101 as

allegedly directed to non-statutory subject matter. Without agreeing with the Examiner, and in the interest of advancing prosecution, claim 13 has been cancelled without prejudice. The cancellation of claim 13 renders moot this rejection. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1, 4, 7-8 and 11-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,917,822 (Lyles). Further, claims 2-3, 5-6 and 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lyles in view of U.S. Patent Application Publication No. 2002/0176361 (Wu). It is respectfully submitted that claims 1, 3-4, 6-8 and 10-20 are patentable over Lyles and Wu for at least the following reasons.

On page 10 of the Office Action, the Examiner correctly noted that Lyles does not teach or suggest merging and sending of request in dependence on histories. Wu is cited in an attempt to remedy the deficiencies in Lyles.

Wu discloses in paragraph [0029] that the data rate between a transmitter and a receiver is adapted to best use the available

bandwidth without congestion.

It is respectfully submitted that Lyles, Wu, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 4, 7-8 and 11-12 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the secondary station is arranged to adapt the merging of the access requests in dependence on histories of access requests previously merged, multi requests previously sent and/or grants previously received.

These features are nowhere taught or suggested in Lyles and Wu, alone or in combination. At best, the combination of Lyles and Wu disclose to change the data rate based on traffic conditions which may be predicted from past history. This is no way teaches or suggest adapting the merging of the access requests in dependence on histories, as recited in independent claims 1, 4, 7-8 and 11-12.


Accordingly, it is respectfully submitted that independent claims 1, 4, 7-8 and 11-20 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3, 6 and 10 should also be allowed at least based on

their dependence from independent claims 1, 4, 7-8 and 11.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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